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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,472	03/08/2002	Kaoru Murase	50023-166	1199
7590	10/05/2005		EXAMINER	
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/092,472	MURASE ET AL.
	Examiner	Art Unit
	Linh LD Son	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office Action is responding to the application filed on 03/08/2002.
2. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 9-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serret-Avila, US/6785815, hereinafter “Serret-Avila”.

4. As per claims 1, and 10-12, Serret-Avila discloses “A recording and reproducing device recording and reproducing specific digital content data” in (Col 1 lines 14-20), “which comprising: detecting unit (Decoding device 104) operable to detect the abuse of the digital content data or the control program controlling the recording and reproducing device” in (Col 10 lines 10-4); and Serret-Avila discloses “revoking unit (defensive mechanism) operable to inhibit the usage of the content (Col 7 lines 15-20, Col 13 line 65 to Col 14 line 1, Col 14 lines 33-36, and Col 16 lines 10-12). However, Serret-Avila does not disclose “revoking unit operable to halt the use of the recording and reproducing device based on the abuse detected by the detecting unit”. Therefore, it

would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that Serret-Avila's teaching of inhibit the usage of the content is actually stop the device to process the content any further.

5. As per claims 2, and 13-14, Serret-Avila discloses "A recording and reproducing device according to claim 1, in which the detecting unit comprises: abuse prevention information calculating unit (hash engine 524, Figure 5) operable to calculate the abuse prevention information by means of the recorded digital content data and a specific function" in (Col 14 lines 5-20); "abuse prevention information storage unit to store the abuse prevention information calculated by the abuse prevention information calculating unit" in (Col 9 lines 8-12, and Col 24 lines 50-55); and "comparing unit (signature verification engine) operable to compare, if necessary, the abuse prevention information stored in the abuse prevention information storage unit and the abuse prevention information calculated separately by the abuse prevention information calculating unit, and then judging the abuse based on the comparing result" in (Col 14 lines 6-22, Col 13 line 46 to Col 14 line 30).

6. As per claim 3, Serret-Avila discloses "A recording and reproducing device according to claim 1, in which the detecting unit comprises: abuse prevention information calculating unit operable to calculate the abuse prevention information by means of the control program controlling the recording and reproducing device and a specific function" in (Col 14 lines 5-20); "abuse prevention information storage unit to

store the abuse prevention information calculated by the abuse prevention information calculating unit" in (Col 9 lines 8-12, and Col 24 lines 50-55); and comparing unit operable to compare, if necessary, the abuse prevention information stored in the abuse prevention information storage unit and the abuse prevention information calculated separately by the abuse prevention information calculating unit, and then judging the abuse based on the comparing result" in " in (Col 14 lines 6-22, Col 13 line 46 to Col 14 line 30).

7. As per claims 4, and 15, Serret-Avila discloses "A recording and reproducing device according to claims 1, and 14, wherein at the time of detecting the abuse the detecting unit sends the detecting result to a specific abuse detecting server" (Col 14 lines 25-32).

8. As per claim 6, Serret-Avila discloses "A recording and reproducing device according to claim 1, in which the revoking unit halts the use of the recording and reproducing device on the basis of the instruction sent from the detecting unit" in (Col 13 line 65 to Col 14 line 1, Col 14 lines 33-36, and Col 16 lines 10-12).

As per claims 9 and 18, Serret-Avila discloses "A recording and reproducing device according to claims 6, in which the revoking unit dissolves the halt of the use of the recording and reproducing device on the basis of a specific instruction" in (Col 13 line 65 to Col 14 line 1, Col 14 lines 33-36, and Col 16 lines 10-12).

9. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serret-Avila, in view of Nash, US/6449645.**

10. As per claim 5, Serret-Avila discloses "A recording and reproducing device according to claim 4".

However, Serret-Avila does not disclose "the detecting unit further sends a unique ID specifying the recording and reproducing device to a specific abuse detecting server".

Nevertheless, Nash does disclose the "System for monitoring the Association of Digitized Information Having Identification Indicia with More Than one of Uniquely Identified Computers in a Network For Illegal Use Detection" invention, which teaches a method for detecting and locating improper or illicit use of digitized information such as illegal pirating, copying, alteration, and the like. Further Nash discloses a computer routine 40 monitoring content copying/alteration, and report any illegal activities to a server over the internet (Col 8 lines 20-30, and Col 7 line 45 to Col 8 line 30).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Serret-Avila's invention to incorporate Nash's report function to the server with the motivation of keeping track the illegal activity of the specific device.

Claims 7-8, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serret-Avila, in view of Hirai, US/6839503.

11. As per claims 7 and 16, Serret-Avila discloses “A recording and reproducing device according to claim 1”.

However, Serret-Avila does not teach “the revoking unit halts the use of the recording and reproducing device on the basis of the instruction sent from a specific abuse detecting server”.

Nevertheless, Hirai discloses a method of authenticating the content to the content management server prior reproducing the content (Col 5 lines 55 to Col 6 line 10, and Col 7 lines 40-50). The system control management on the content management server send a signal to command the recording device to Record or to Stop.

Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention was made to modify Serret-Avila’s invention to incorporate Hirai’s teaching to have direct authorization sent from the server over the network to reproducing the content or not

12. As per claims 8 and 17, Serret-Avila discloses “A recording and reproducing device according to claim 1”.

However, Serret-Avila does not discloses “the revoking unit halts the use of the recording and reproducing device on the basis of the instruction stored in digital content data sent from the broadcast station”.

Nevertheless, Hirai discloses a method of authenticating the content to the content management server prior reproducing the content (Col 5 lines 55 to Col 6 line 10, and

Col 7 lines 40-50). The system control management on the content management server sends a signal to command the recording device to Record or to Stop. Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention was made to modify Serret-Avila's invention to incorporate Hirai's teaching to have direct authorization sent from the server over the network to reproducing the content or not

13. As per claim 19, Serret-Avila discloses "An abuse prevention system preventing the abuse of digital content data of a recording and reproducing device recording and reproducing specific digital content data" in (Col 1 lines 14-20), "in which the recording and reproducing device comprises: detecting unit (Decoding device 104) operable to detect the abuse of the digital content data or the control program controlling the recording and reproducing device" in (Col 10 lines 10-4); "sending unit (notification unit) operable to send in specific time intervals to a specific abuse detecting server the detecting result of the abuse detected by the detecting unit" in (Col 14 lines 25-32); However, Serret-Avila does not discloses "revoking unit (defensive mechanism) operable to determine whether the recording and reproducing device is usable or not on the basis of the instruction sent from the abuse detecting unit, and in which the abuse detecting server determines whether the recording and reproducing device is usable or not in response to the detecting result of the abuse sent from the recording and reproducing device".

Nevertheless, Hirai discloses a method of authenticating the content to the content management server prior reproducing the content (Col 5 lines 55 to Col 6 line 10, and Col 7 lines 40-50). The system control management on the content management server sends a signal to command the recording device to record or to stop recording. Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention was made to modify Serret-Avila's invention to incorporate Hirai's teaching to have direct authorization sent from the server over the network to reproducing the content or not

14. As per claim 20, Serret-Avila and Hirai disclose "A abuse prevention system according to claim 19, wherein the recording and reproducing device can be operated for a specific period on the basis of a control instruction sent from the abuse detecting server, said instruction permitting the recording and reproducing device to be operated" in (Hirai, Col 5 lines 55 to Col 6 line 10, and Col 7 lines 40-50).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135


Primary Examiner
Art Unit 2135